

04-22-03

Docket No: GI5288B  
Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LAVALLIE and RACIE  
Application No.: 08/949,904 Group Art No.: 1642  
Filed: October 15, 1997 Examiner: Ungar  
For: HUMAN SDF-5 PROTEIN AND COMPOSITIONS  
Confirmation No.: 8744  
Customer Number: 25291

Commissioner for Patents  
Box CPA  
Washington, DC 20231

TECH CENTER 1600  
APR 25 2003

RECEIVED

CONTINUED PROSECUTION APPLICATION (CPA) (37 CFR 1.53(d))

I. This is a request for a filing under the file wrapper continuing application procedure, 37

CFR 1.53(d), for a

continuation

divisional

The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000.

A. Further particulars of prior application are:

1. Title (as originally filed)

HUMAN SDF-5 PROTEIN AND COMPOSITIONS

and as last amended

HUMAN SDF-5 PROTEIN AND COMPOSITIONS

2. Full name of applicant(s) (as originally filed and as last amended):

Edward R. LaVALLIE and Lisa A. RACIE

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 239490795 US addressed to the Commissioner for Patents, Box CPA, Washington, DC 20231.

4/21/03

Date

*Elizabeth Ruzich*  
Elizabeth Ruzich

04/23/2003 MBLANCO 00000010 071060 08949904

01 FC:1006 750.00 CH  
02 FC:1201 168.00 CH

B. The above identified prior application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper as the basic papers of the new application.

C. It is understood that secrecy under 35 USC 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Inventorship Statement

This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

the same

less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

III. Identification of Claims for Further Prosecution. The fees to be charged due to be based on the number of claims remaining as a result of the

attached preliminary amendment.

the unentered amendment filed under 37 CFR 1.116 in the prior application, which is hereby resubmitted.

the claims as on file in the prior application.

IV. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 07-1060.

V. Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$750.00
TOTAL CLAIMS	6	0	x \$ 18.00	0.00
INDEPENDENT CLAIMS	5	2	x \$ 84.00	168.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
		<b>Total Filing Fee:</b>		<b>\$918.00</b>

VI. Method of Payment of Fees

Please charge Deposit Account No. 07-1060 in the amount of \$918.00.

Credit any overpayment to Deposit Account No. 07-1060. A duplicate of this request is attached.

VII. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1060.

- 37 CFR 1.16(a), (f) or (g) (filing fees)
- 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
- 37 CFR 1.16(e) (surcharge for filing the basic filing fee on a date later than the filing date of the application)
- 37 CFR 1.17 (application processing fees)

**VIII. Assignment**

The prior application is assigned of record to \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_  
 An assignment of the invention to \_\_\_\_\_ is attached under separate Recordation Form cover sheet.

**IX. Power of Attorney**

The Power of Attorney in the prior application is to

\_\_\_\_\_  
(Attorney) \_\_\_\_\_ (Reg. No.)

a.  The power appears in the papers in the prior application.  
b.  A new power has been executed and is attached.  
c.  Address all future communications to:

Customer Number: 25291 Bar Code:



and Gavin T. Bogle, Limited Recognition under 37 C.F.R. §10.9(b).

**DIRECT ALL TELEPHONE CALLS TO:**

Name: Gavin Bogle  
Tel. No. (617) 665-8079

**X. Maintenance of Copendency of Prior Application**

A petition, fee and response has been filed to extend the term in the pending prior application until April 21, 2003.  
 A copy of the petition for extension of time in the prior application is attached.

XI. Conditional Petition for Extension of Time in Prior Application (Complete this item and file conditional petition in the prior application if previous item not applicable.)

A conditional petition for extension of time is being filed in the pending prior application.

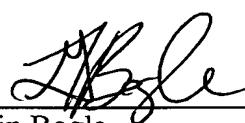
A copy of the conditional petition for extension of time in the pending prior application is attached.

**XII. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).**

**A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.**

XIII. Additional Papers Enclosed

Other: Information Disclosure Statement, PTO-1449, and References in electronic form



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Gavin Bogle

Limited Recognition Under 37 C.F.R. §10.9(b)

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